

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Itzhak Bentwich
App. No.: 10/536,560
Conf. No.: 9481
Filing Date: November 26, 2003
Title: BIOINFORMATICALLY
DETECTABLE GROUP OF NOVEL
VIRAL REGULATORY GENES
AND USES THEREOF
Examiner: Not Yet Assigned



CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

12/13/2005

Date

Teddy C. Scott, Jr., Ph.D.

Registration No. 53,573

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed October 13, 2005, Applicants submit herewith the following:

- Sequence Listing under 37 C.F.R. §1.825(a), submitted under §1.52(e) (two copies of CD-ROM);
- Computer readable form of Sequence Listing submitted pursuant to §1.825(b) (one CD-ROM);
- Statement Pursuant To 37 C.F.R. §1.825(a) and (b) (1 page);
- Transmittal Sheet For Submission Of Compact Disc Pursuant To 37 C.F.R. §1.52(e) (1 page);
- Declaration executed by Itzhak Bentwich (2 pages);
- Copy of the Notice to File Missing Parts of Nonprovisional Application (3 pages);
- Preliminary Amendment (3 pages);
- Fee Transmittal;
- Transmittal Letter (1 page); and
- Return receipt postcard.

12/27/2005 MKAYPAGH 00000047 083038 10536560

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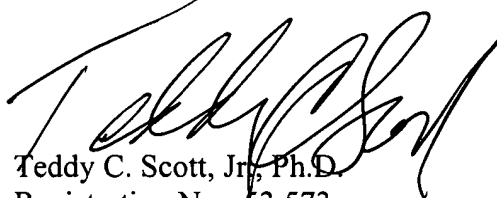
No additional fees are believed to be due in connection with the filing of this Response. However, should any additional fees be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account 08-3038, referencing the above-identified attorney docket number.

Respectfully submitted,

HOWREY LLP

Dated: December 13, 2005

By:



Teddy C. Scott, Jr., Ph.D.

Registration No.: 53,573

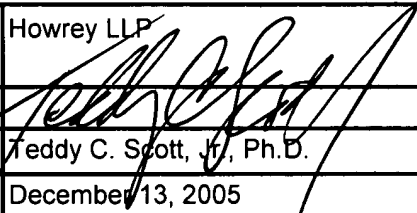
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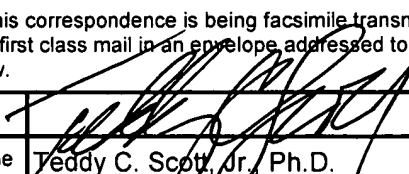
HOWREY LLP
321 N. Clark Street, Suite 3400
Chicago, IL 60661
(312) 595-1239 (main)
(312) 846-5621 (direct)
(312) 595-2250 (fax)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/536,560	
	Filing Date	November 26, 2003	
	First Named Inventor	Itzhak Bentwich	
	Art Unit		
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	17	Attorney Docket Number	06087.0300.PCUS13

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) <u>3</u> <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Pursuant to 37 CFR 1.825(a) and (b); Transmittal Sheet for Submission of Compact Disc Pursuant to 37 CFR 1.52(e); Sequence listing (2 CD-ROMS), Computer readable form of Sequence Listing (1 CD-ROM), executed Declaration, copy of Notice of Missing Requirements, and return-receipt postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Howrey LLP		
Signature			
Printed name	Teddy C. Scott, Jr., Ph.D.		
Date	December 13, 2005	Reg. No.	53,573

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	
Typed or printed name	Teddy C. Scott, Jr., Ph.D.
Date	December 13, 2005

<p style="text-align: center;">Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">for FY 2005</h3> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>	<p style="text-align: center;">Complete If Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>10/536,560</td> </tr> <tr> <td>Filing Date</td> <td>11/26/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>I. Bentwich</td> </tr> <tr> <td>Examiner Name</td> <td>Not yet assigned</td> </tr> <tr> <td>Art Unit</td> <td></td> </tr> <tr> <td>Attorney Docket No.</td> <td>06087 0300 PCIJS13</td> </tr> </table>	Application Number	10/536,560	Filing Date	11/26/2003	First Named Inventor	I. Bentwich	Examiner Name	Not yet assigned	Art Unit		Attorney Docket No.	06087 0300 PCIJS13
Application Number	10/536,560												
Filing Date	11/26/2003												
First Named Inventor	I. Bentwich												
Examiner Name	Not yet assigned												
Art Unit													
Attorney Docket No.	06087 0300 PCIJS13												
<p>TOTAL AMOUNT OF PAYMENT \$(65.00)</p>													

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 08-3038
 Deposit Account Name: Howrey Simon Arnold & White, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee Paid (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = 0 x =
 HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = 2 x =
 HP = highest number of independent claims paid for, if greater than 3


3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50 =	(round up to a whole number) x		

4. OTHER FEE(S)

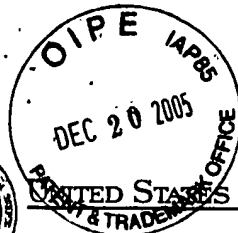
	Fee Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>Oath (declaration) at small entity rate</u>	\$65.00

SUBMITTED BY		
Signature 	Registration No. 53,573 (Attorney/Agent)	Telephone (312) 846-5621
Name (Print/Type) <u>Teddy C. Scott, Jr., Ph.D.</u>	Date <u>December 13, 2005</u>	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PCT.



UNITED STATES PATENT AND TRADEMARK OFFICE

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 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/536,560	Itzhak Bentwich	06087.0300.PCUS13

INTERNATIONAL APPLICATION NO.

PCT/IL03/00998

I.A. FILING DATE	PRIORITY DATE
11/26/2003	03/11/1999

Teddy C. Scott
 Howrey
 321 N Clark Street
 Suite 3400
 Chicago, IL 60661

CONFIRMATION NO. 9481

371 FORMALITIES LETTER



OC000000017241438

Date Mailed: 10/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/26/2005
- Preliminary Amendments filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- The International Search Report has not been supplied, the Search Fee has been adjusted to reflect this omission.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.

10/536,560

INTERNATIONAL APPLICATION NO.

PCT/IL03/00998

ATTY. DOCKET NO.

06087.0300.PCUS13

FORM PCT/DO/EO/905 (371 Formalities Notice)